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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,168	12/15/2000	Naoto Matsumoto	00407.00007	8093

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EXAMINER

RAMPURIA, SATISH

ART UNIT PAPER NUMBER

2124

DATE MAILED: 07/16/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application

09/736,168

Applicant(s)

MATSUMOTO, NAOTO

Examiner

Satish S. Rampuria

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Response to Amendment

1. This action is in response to the amendment filed on 3/30/2004.
2. Claims 7 and 13 are cancelled by the applicant, new set of claims 15-21 has been entered, are renumbered 1-18.

Specification

3. The disclosure is objected to because of the following informalities:
“performe” should be “perform” on page 6, line 4. “are” should be “is” on page 15 line 8.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 15, 18, and 19 are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese Patent No. JP411265282A to Ichinose, hereinafter called Ichinose.

Claims 15, 18, and 19 are the system claims and recited similar limitations as recited in the previously rejected claims 1, 4, and 5, respectively (see previous office action, mailed November 5, 2003). Therefore, same rationale applies and claims 15, 18, and 19 are rejected as claims 1, 4, and 5.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichinose, in view of US Patent No. 5,657,301 US to Yoshikawa.

Claim 16 is the system claim and recited similar limitations as recited in the previously rejected claim 2 (see previous office action, mailed November 5, 2003). Therefore, same rationale applies and claim 16 is rejected as claim 2.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichinose, in view of US Patent No. 5,581,485 US to Richmond.

Claim 17 is the system claim and recited similar limitations as recited in the previously rejected claim 3 (see previous office action, mailed November 5, 2003). Therefore, same rationale applies and claim 17 is rejected as claim 3.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichinose, in view of US Patent No. 5,603,056 US to Totani.

Per claim 20 is the system claim and recited similar limitations as recited in the previously rejected claim 6 (see previous office action, mailed November 5, 2003). Therefore, same rationale applies and claim 20 is rejected as claim 6.

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichinose, in view of US Patent No. 5,307,346 US to Fieldhouse.

Claim 21 is the system claim and recited similar limitations as recited in the previously rejected claim 8 (see previous office action, mailed November 5, 2003). Therefore, same rationale applies and claim 21 is rejected as claim 8.

Response to Arguments

11. Applicant's arguments with respect to claims 1 and 9 have been considered but they are not persuasive.

Applicant argues the recited limitation the new data mapping information is not sent by the disclosed system by Honda. It was noted by the applicant that Honda (US Patent No. 5,651,132) discloses new data mapping information is sent from the host computer (office action mailed on November 5, 2003, page 11, lines 1-2, col. 9, lines 26-34).

Therefore, it is believed that it would be obvious to combine the method of upgrading the vending machine program as disclosed by Ichinose into the method of generating data and sending the new data mapping information from the host computer as disclosed by Honda (also, see col. 2, lines 29-55).

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Satish S. Rampuria** whose telephone number is **703-305-8891**.

The examiner can normally be reached on **8:30 am to 5:00 pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kakali Chaki** can be reached on **(703) 305-9662**. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Satish S. Rampuria
Patent Examiner
Art Unit 2124
07/26/2004



ANIL KHATRI
PRIMARY EXAMINER